

## ATTACHMENT A

### Remarks

Claims 1-30 have been rejected under 35 U.S.C. 102(e) as being "anticipated by" U.S. Publication No. 2003/0044654 to Holt ("Holt"). The claims have been amended to more clearly define over the Holt reference.

Before considering the amendments to the claims, it is noted that the Holt reference was filed only about two and one half months prior to the instant application and Applicant reserves the right to "swear behind" the Holt reference in a continuation or divisional application.

Turning to the amended claims, independent claims 1, 11 and 18 have been amended to set forth a feature that, it is respectfully submitted, is clearly not disclosed in the Holt reference. Considering claim 1 as exemplary, claim 1 now further recites a menu identifying compatible devices within range of the second transceiver and a menu driven interface driven by the menu for controlling establishment of voice channels by said second transceiver. The amendment to claim 1 is based in part on original dependent claim 7 and further support is provided by, e.g., the first full paragraph on page 5.

In rejecting claim 7, the Examiner has contended that "Holt discloses a menu driven interface for controlling establishment of voice channels (¶ 0022)." It is respectfully submitted that this contention is not well taken. The discussion in paragraph [0022] has been carefully considered but is general in nature and simply relates to the addition by the main wireless device of "desired ones of the local commutatively proximate wireless devices of which it is aware to join the external call." There is no discussion of use of a menu nor of a menu driven interface driven by such a menu for controlling establishment of voice channels. Accordingly, it is respectfully submitted that claim 1 patentably defines over the Holt patent for at least this reason. As indicated above, method claims 11 and 18 have been similarly amended and thus these claims patentably define over the Holt patent in a similar manner.

New dependent claims 31-35 have been added which depend from claim 1 and set forth further features not disclosed in the Holt reference. In particular, claim 32 recites that the identification codes for the compatible devices are preprogrammed into the cellular telephone so as to enable a name of a person to be associated with the said compatible device. Claim 32 which depends from claim 31 states that the telephone further comprises a function enabling entry of a code for each person. Defendant claim 33 recites that the menu includes a list of potential callers to be added to the conference call while claim 34 which depends from claim 33 recites that the cellular telephone further comprises a function for selecting desired callers from the list. It is respectfully submitted that none of these features are disclosed in the Holt reference and thus these claims are all separately patentable as well as for the reasons set forth above in support of the patentability of claim 1.

Dependent claim 35 also depends from claim 1 and recites that the cellular telephone of claim 1 further comprises a microphone and a speaker coupled to the mixer such that sound generated at the microphone is not played at the speaker. This feature is discussed, e.g., in the paragraph bridging pages 3 and 4 of the specification. Again, it is respectfully submitted that this feature is simply not disclosed in the reference.

Turning to the remaining independent, claim 25, this claim has been amended to include subject matter similar to new claim 35. More specifically, this claim recites a microphone coupled to the combining means and a speaker coupled to the combining means such that sound generated at the microphone is not played at the speaker. As stated above, this feature is not disclosed by the Holt reference and thus it is respectfully submitted that claim 25 patentably defines over that reference.

New claims 36-40 depend from claim 25 and set forth features corresponding to those discussed above. In this regard, claim 36 is directed to

the feature now newly claimed in claim 1 while claims 37 - 40 generally correspond to new claims 31 - 34.

Allowance of the application in its present form is respectfully solicited.

**END REMARKS**